Appl. No. 09/703,549
Amdt. dated July 18, 2003
Reply to Office action dated April 23, 2003

Attorney ref: 119/1

REMARKS/ARGUMENTS

STATUS OF CLAIMS

Claims 1-43 and 45 are pending. Claim 44 has been canceled. Claim 45 has been added.

SUPPORT FOR CLAIM CHANGES

Claims 1 and 31 were rejected under 35 USC § 101; claims 1-3, 20, 21, 23, 26, 29-31, 42 and 43 were rejected under 35 USC § 103. The claims were amended to overcome these rejections, as discussed below. The amendments, to the extent that they were not merely semantic changes, involved the limitation of general references to communication to more specific references of broadcasting and transmitting. The support for these amendments is found in the Abstract, the Summary of the Invention (col. 2, line 39 - col. 3, line 25) and the Detailed Description of the Invention (col. 3, lines 58-61).

Claim 45 was added as a dependent of claim 20. It includes the limitations of canceled independent claim 44.

REJECTIONS UNDER 35 USC § 101

The Examiner rejected claims 1 and 31-41 under 35 USC § 101 as being directed to non-statutory subject matter, specifically reciting buyers and seller as system elements. Claims 1 and 31 have been amended such that buyers and seller are not recited as system elements. Claims 32-41 are dependent upon claim 31. It is respectfully submitted that claims 1 and 31-41, as amended, are now allowable under 35 USC § 101.

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REJECTIONS UNDER 35 USC § 103

CLAIMS 1 and 2

Before turning to the merits of the prior art rejections, it is believed a brief review of

the invention as presently claimed would be helpful. As presently amended, the claims

require that the filter processes the Requests For Quotation ("RFQs") received from

potential buyers, and selects one or more sellers that may be capable of filling the request.

The filter means then broadcasts the RFQ to the sellers selected by the filter – those most

suitable to provide an acceptable quotation.

The Examiner rejected claims 1 and 2 under 35 USC § 103 as being unpatentable

over Cameron et al. in view of Silverman et al. Claims 1 and 2 have been amended.

Claim 1, as amended, recites a system for engaging in commercial transactions including,

"RFQs being broadcast to said sellers subject to said filter conditions." Claim 2, as

amended, recites a method wherein one of the steps is, "broadcasting the information from

said class of buyers to said buyer defined class of sellers."

Cameron et al. makes no mention of broadcasting data to a plurality of sellers.

Cameron stores a set of offers from a catalog at a central database. Users of the

database may then search the database for goods or services offered for sale. (See e.g.,

col. 3, lines 5-15). Thus, every product or service that is offered for sale is stored in a

central database for later searching by the customer.

Such a system has at least two drawbacks when compared with the present

invention. First, the offers are not customized to the particular RFQ, since all the offers are

stored in advance of the potential purchasers searching them. Second, the database can

quickly become very large and unmanageable. Indeed, this very problem is described in

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the first two paragraphs of the "Background of the Invention" section of the present specification, where it is explained that the use of prior art "central database" systems is inefficient.

Silverman et al. only discloses broadcasting to a plurality of parties the price and quantity of a completed transaction, "the transaction is recorded by the matching computer 11, and (optional) the price and quantity of the transaction is broadcast to the remote terminals of all traders on the system." (Silverman et al., Col. 7, line 66 to Col. 8, line 2). The Silverman system suffers from the drawback of not providing for broadcast of RFQs, which results in all selected sellers being given the information necessary to generate a quote in response to a specific RFQ and potentially complete a transaction. Silverman only broadcasts the price and quantity of a completed transaction.

Neither Silverman nor Cameron disclose the limitation of filtering the RFQs and then broadcasting the RFQs to the sellers, subject to filter conditions (claim 1) nor the use of the filter means to match buyers and sellers in combination with the broadcasting of the RFQ to the buyer defined class of sellers (claim 2). Therefore, as neither Cameron et al. nor Silverman et al. contemplate broadcasting of offers, the inventions of claims 1 and 2 cannot be anticipated nor rendered obvious by either reference, alone or in combination.

CLAIMS 3-6, 8-13, 15, 18 and 19

The Examiner rejected claims 3-6, 8-13, 15, 18 and 19 under 35 USC § 103 as being unpatentable over Cameron et al. and Silverman et al. in view of Taylor. Claim 3, as amended, recites a method for effectuating a purchase between a buyer and seller selected from a plurality of sellers "wherein information from said buyer for initiating effectuation of said purchase is broadcast over said communications network to said

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plurality of sellers." The present invention discloses an active system which "broadcasts

the request for quotation...to prospective sellers," not a static database which is created by

potential buyers and later accessed by prospective sellers. (Summary of the Invention).

Cameron et al. makes no mention of broadcasting data to a plurality of sellers. Silverman

et al. only discloses broadcasting to a plurality of parties the price and quantity of a

completed transaction, "the transaction is recorded by the matching computer 11, and

(optional) the price and quantity of the transaction is broadcast to the remote terminals of

all traders on the system." (Silverman et al., Col. 7, line 66 to Col. 8, line 2). Further, not

only does Cameron et al. not disclose a system that broadcasts data, it specifically

includes storage for storing offer information, which is then searched by a user seeking an

offer. (Cameron et al., Abstract). Taylor is drawn to Internet and web page concerns. It

does not disclose methods for effectuating purchase or methods for broadcasting

purchase-related information. Claims 4-6, 8-13 and 15-19 are dependent upon claim 3,

and are therefore patentable for at least the reasons set forth above.

CLAIMS 20-43

The Examiner's rejections of claims 20-43 all depend in one form or another on

Cameron et al., Silverman et al. and Taylor. In view of the above explanation, it is

believed that none of the rejections should stand.

Claim 20, as amended, recites a method of effectuating a purchase between a

buyer and a seller from classes of buyers and sellers wherein credit information of at least

a buyer is broadcast over a communications network to at least a seller. As explained in

more detail above, neither Cameron, Silverman nor Taylor disclose methods for

effectuating purchase by the filter and broadcast technique of the present invention, or

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methods for broadcasting credit information. Claims 21-30 are dependent upon claim 20.

Accordingly, all of claims 20-30 are believed patentable.

Claim 31, as amended, recites a computerized system for effectuating a purchase

wherein request for offers from buyers are broadcast to seller over a communications

network. As stated above, the present invention discloses an active system which

"broadcasts the request for quotation...to prospective sellers," not a static database which

is created by potential buyers and later accessed by prospective sellers. (Summary of the

Invention). As explained in more detail above, neither Cameron, Silverman nor Taylor

disclose methods for effectuating purchase by the filter and broadcast technique of the

present invention. Claims 32-41 are dependent upon claim 31. Accordingly, all of claims

31-41 are believed patentable.

Claim 42, as amended, recites a method of enabling a buyer conforming to a seller

defined class of buyers to purchase an item over a communications network, wherein a

purchase order is broadcast to at least one seller. As stated above, the present invention

discloses an active system which "broadcasts the request for quotation...to prospective

sellers," not a static database which is created by potential buyers and later accessed by

prospective sellers. (Summary of the Invention). As explained in more detail above,

neither Cameron, Silverman nor Taylor disclose methods for effectuating purchase by the

filter and broadcast technique of the present invention. Claim 43 was an independent

claim but has been rewritten to be dependent upon claim 42. Accordingly, both claims 42

and 43 are believed patentable.

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CLAIMS 44 and 45

The Examiner rejected claim 44 under 35 USC § 103 as being unpatentable over

Cameron et al. and Silverman et al. in view of Taylor. Claim 44 has been canceled.

However, new claim 45, which is dependent upon independent claim 20, has been added

and includes much of the limitations of independent former claim 44. Dependent claim

45 recites the limitation of prestoring buyer's credit information in a server. As explained in

more detail above, neither Cameron, Silverman nor Taylor disclose methods for

effectuating purchase by the filter and broadcast technique of the present invention, or

methods for broadcasting credit information. Accordingly, claim 45 is believed patentable.

CLAIM 7, 14, 16 and 17

The Examiner rejected claims 7, 14, 16 and 17 under 35 USC § 103 as being

unpatentable over Cameron et al., and Silverman et al. and Taylor in view of Ginsburg.

Claims 7, 14, 16 and 17 are all dependent upon claim 3, which for the reasons stated

above, is patentable over Cameron et al., and Silverman et al. and Taylor. Ginsburg is not

drawn to the independent claim 3, therefore it cannot be drawn to the dependent claims 7,

14, 16 and 17. The Applicant respectfully submits that these claims are allowable for the

reasons stated above regarding claim 3.

PRIOR ART REFERENCE

Applicant also points out that while the prior art has been distinguished, it is not

believed that the Silverman art is usable against the application. Enclosed is a copy of a

declaration under 37 CFR 1.131 that was filed in the original application. As can be seen

from the supporting documents, on during the third week of June 1995, invoices were sent

to the inventor for development work on the project reflecting several dozen hours of work.
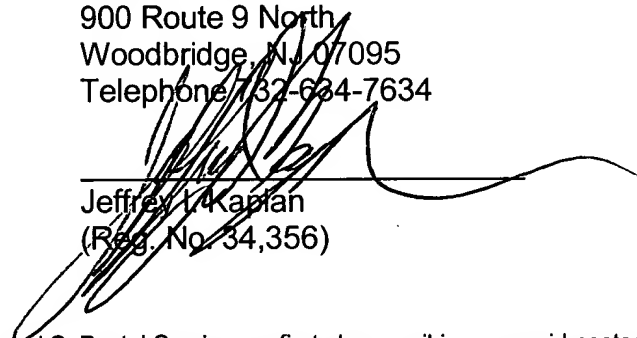
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Given that the date of the effective date of the Silverman reference is June 7th, 1995, the

work that was billed during the third week of June 1995 likely reflects efforts made in

reducing the invention to practice prior to June 7th, the date of the reference. Accordingly,

the Silverman reference should be removed as prior art.

In view of the foregoing amendments and remarks, it is respectfully submitted that

all claims pending are allowable. Therefore, reconsideration and allowance are

respectfully requested.

Respectfully submitted,

Kaplan & Gilman, L.L.P.
900 Route 9 North
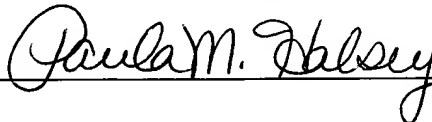Woodbridge, NJ 07095
Telephone 732-634-7634

DATED: July 18, 2003

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Jeffrey I. Kaplan
(Reg. No. 34,356)

I hereby certify that this paper is being deposited with the U.S. Postal Service, as first class mail in a prepaid postage envelope, addressed to Mail Stop Reissue, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on July 18, 2003.

Dated: July 18, 2003   Signature _____ Print Name __Paula M. Halsey__

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Listing of Claims:

1.   (twice amended) A system for engaging in commercial transactions, comprising:

filter means for accepting filter conditions from <u>RFQs from</u> buyers and <u>quotes from</u> sellers;

a plurality of [buyers] <u>buyer information</u> conforming to a seller defined class of [buyers] <u>buyer information, said buyer information representing buyers</u> for communicating RFQs to said filter means, <u>said RFQs being broadcast to terminals to be received by sellers subject to said filter conditions</u>;

a plurality of [sellers] <u>seller information representing sellers</u> conforming to a buyer defined class of sellers for communicating quotes to said filter means in response to a specific RFQ of said RFQs, said filter means including means for determining, based upon said filter conditions, which sellers should receive RFQs from a buyer and to which RFQs should the sellers respond.

2.   (twice amended) A method of utilizing a data network for advertising and selling items including the steps of:

communicating, to centralized filter means, from a plurality of sellers, information indicating items offered for sale to at least one seller defined class of buyers to receive the information;

communicating, to the centralized filter means, from a potential buyer, a category of item in which said buyer is interested and a buyer defined class of sellers to receive the information;

using said centralized filter means to match buyer and seller classes;

[communicating] <u>broadcasting</u> the information from said class of buyers to said buyer defined class of sellers; and

communicating an offer for sale from at least one of said sellers for at least one item in said category of items indicated, to a buyer if said buyer is within said class and said items are within said category.

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4.   (twice amended) A method for effectuating a purchase between a buyer conforming to a seller defined class of buyers and a seller selected from a plurality of sellers conforming to a buyer defined class of sellers over a computer communications network <u>wherein information from said buyer for initiating effectuation of said purchase is broadcast over said communications network to said plurality of sellers</u>, comprising the steps of:

    providing over said network a page including information of each of a plurality of seller's offers and at least one hypertext link for said buyer to make a response;

    displaying said hypertext link containing page to said buyer; and

    sending a purchase request by said buyer to [said] selected seller <u>of said plurality of sellers</u> clicking on said hypertext link.

4.   (original) The method of claim 3 wherein said step of sending a purchase request is completed by simply clicking on said hypertext link without inputting further information.

5.   (original) The method of claim 3 wherein said purchase request includes a consent that said seller is authorized to use buyer's credit information to fulfill said purchase.

6.   (original) The method of claim 5 wherein said step of sending a purchase request is completed by clicking on said hypertext link.

7.   (original) The method of claim 6 wherein said action of clicking is taken only once.

8.   (original) The method of claim 5 wherein said credit information includes buyer's billing and shipping information sufficient to effectuate the purchase.

9.   (original) The method of claim 8 wherein said buyer's credit information is pre-stored in a server.

10.   (previously presented) The method of claim 9 wherein said server is remotely located and accessible by said seller through said network.

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11.   (original) The method of claim 3 wherein said hypertext link containing page is an email message.

12.   (original) The method of claim 3 wherein said hypertext link containing page is a web page.

13.   (original) The method of claim 3 wherein said purchase request is sent as an email request by clicking on said hypertext link.

14.   (original) The method of claim 3 wherein said purchase request is sent directly to said seller by clicking on said hypertext link.

15.   (previously presented) The method of claim 3 wherein said page includes at least one hypertext link for further showing said information of said offer.

16.   (previously presented) The method of claim 3 wherein said page is provided by said seller directly to said buyer.

17.   (previously presented) The method of claim 3 wherein said page is provided by a central processing unit remotely accessible by said buyer and said seller through said communications network.

18.   (previously presented) The method of claim 17 wherein said purchase request is sent to said central processing unit.

19.   (original) The method of claim 3 wherein said step of displaying is implemented by a browser.

22.   (twice amended) A method of effectuating a purchase between a buyer and a seller over a computer communications network, comprising the steps of:

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defining a class of buyers;

defining a class of sellers;

[providing] <u>broadcasting</u> credit information of <u>at least one buyer of said class of buyers</u> [said buyer] to [a] <u>at least one seller of said class of sellers</u> [seller];

providing <u>broadcasting</u> over said computer communications network, from one or more sellers <u>of said class of</u> sellers to <u>one or more buyers of said class of buyers</u> [said buyer], a page including information of each seller's offer and at least one hypertext link for [said] <u>each</u> buyer to make a response;

displaying each said hypertext link containing page to [said] <u>each</u> buyer;

selecting one of said one or more sellers;

sending a purchase request by [said] <u>each</u> buyer to the selected seller by clicking on said hypertext link; and

fulfilling said purchase request from [said] <u>each</u> buyer.

23.   (twice amended) The method of claim 20 wherein said server is maintained by a central processing unit remotely located and accessible by <u>each buyer</u> [said buyer] and <u>each seller</u> [said seller] through said network.

22.   (previously presented) The method of claim 21 wherein said step of displaying is carried out by said central processing unit.

23.   (twice amended) The method of claim 20 wherein said step of displaying is carried out by said <u>each</u> seller.

24.   (previously presented) The method of claim 20 wherein said page is an email message.

25.   (previously presented) The method of claim 20 wherein said page is a web page.

26.   (twice amended) The method of claim 20 wherein at said step of sending said purchase request is directly sent to said <u>each</u> seller.

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27.   (previously presented) The method of claim 21 wherein at said step of sending said purchase request is sent to said central processing unit.

28.   (original) The method of claim 20 further including a step of:
retrieving by said seller, upon receipt of said purchase request from said buyer, of said buyer's credit information kept on said server so as to fulfill said purchase.

29.   (twice amended) The method of claim 28 wherein said step of fulfilling comprises a step of clearing credit of said each buyer directly by said each seller.

30.   (twice amended) The method of claim 21 wherein said step of fulfilling comprises a step of clearing credit of said each buyer by said central processing unit.

31.   (twice amended) A computerized system for effectuating a purchase [between] involving a request for offers by a buyer conforming to a seller defined class of [buyers] requests for offers and an offer by a seller selected from a plurality of potential [sellers] offers conforming to a buyer defined class of [sellers] offers, said request for offers being broadcast and said plurality of potential offers being transmitted over a communications network, comprising:
        means for each of said plurality of potential [sellers] offers to provide a page including information of at least one offer and at least one hypertext link for said buyer to make a response;
        means for said seller to transmit at least one said hypertext link containing page to said buyer;
        means for said buyer to receive and display said at least one hypertext link containing page; and
        means for said buyer to click on a selected one of said at least one hypertext link to send a purchase request in response to said offer.

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32.   (original) The system of claim 31 further comprising means for keeping credit information of said buyer that is accessible to said seller.

33.   (original) The system of claim 32 wherein said means for keeping buyer's credit information is accessible to said seller only upon receipt of said purchase request from said buyer.

34.   (original) The system of claim 33 wherein said purchase request includes an identifier for said buyer with which said seller may access said buyer's credit information.

35.   (original) The system of claim 32 wherein said means for keeping buyer's credit information is a server.

36.   (original) The system of claim 35 wherein said server is remotely located from both said buyer and said seller, and is connected to said buyer and said seller through said network.

37.   (previously presented) The system of claim 31 wherein said page is an email message.

38.   (previously presented) The system of claim 31 wherein said page further comprises at least one hypertext link for further showing said information of said quotation offer.

39.   (original) The system of claim 32 further including means for inputting said buyer's credit information into said means for keeping said buyer's credit information.

40.   (original) The system of claim 31 further including a website of said seller, accessible by said buyer through said network, for providing said hypertext link containing page to said buyer.

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41.   (original) The system of claim 40 wherein said network is an Internet network.

42.   (twice amended) A method of enabling a buyer conforming to a seller defined class of buyers to purchase an item over a communications network from a remote system, the method comprising the steps of:

selecting a hypertext link indicative of a desire to place an electronic purchase order;

in response to said step of selecting, [transmitting] broadcasting at least one electronic purchase order to [a] at least one seller conforming to a buyer defined class of sellers; and

in response to said step of transmitting, providing credit information of the buyer maintained at said remote system to complete the purchase of said item.

43.   (amended) [A] The method of claim 42, further [enabling a buyer to purchase an item over a communications network from a remote system, the method] comprising the steps of:

[selecting a hypertext link indicative of a desire to place an electronic purchase order;]

in response to said step of selecting, verifying that the buyer conforms to a seller defined class of buyers and has sufficient credit to make the intended purchase; and

in further response to said step of selecting, transmitting electronically credit verification information and at least one purchase order to the seller.

44.   (canceled)

45.   (new) The method of claim 20, further comprising the steps of:

prestoring credit information of a buyer, and

in response to selection of a hyperlink by a buyer indicating a purchase, matching said prestored information with said buyer to complete said purchase.

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